

SECOND REGULAR SESSION

SENATE BILL NO. 849

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time February 10, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

4982S.02I

AN ACT

To amend chapter 390, RSMo, by adding thereto one new section relating to regulation of contract carriers that transport railroad employees, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 390, RSMo, is amended by adding thereto one new section, to be known as section 390.064, to read as follows:

390.064. 1. As used in this section, the following terms shall mean:

(1) "Contract carrier", a passenger contract carrier that for direct compensation transports railroad employees;

(2) "Railroad employee", shall have the same meaning ascribed to the term "employee" as used in 49 C.F.R. Part 228.5, as such regulation may be periodically amended.

2. Notwithstanding any other provisions to the contrary, contract carriers that transport railroad employees on a road or highway of this state shall be subject to the safety standards set forth in Title 49, Code of Federal Regulations Parts 391, 392, 393, 395, and 396. Contract carriers that transport railroad employees shall be subject to these parts in their entirety except that section 391.11(b)(4) and subpart E of part 391 shall not apply to drivers and section 396.17 of part 396 shall not apply to vehicles with a passenger seating capacity of 7-8 inclusive of the driver.

3. The department of transportation shall promulgate rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section

21 shall become effective only if it complies with and is subject to all of
22 the provisions of chapter 536, and, if applicable, section 536.028. This
23 section and chapter 536 are nonseverable and if any of the powers
24 vested with the general assembly pursuant to chapter 536, to review, to
25 delay the effective date, or to disapprove and annul a rule are
26 subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2014, shall
28 be invalid and void.

Section B. Because the state needs to ensure safe transportation of
2 railroad employees by contract carriers, section A of this act is deemed necessary
3 for the immediate preservation of the public health, welfare, peace and safety,
4 and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its
6 passage and approval.

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Bill

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